

FITAPELLI & SCHAFFER, LLP

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**CARLOS FLORES, HERMELINDO TENDILLA,
RAFAEL ALDAPE, and FRANCISCO DELAROSA-
ATLATENCO, on behalf of themselves and all others
similarly situated,**

Plaintiffs,

-against-

**ONE HANOVER, LLC, PETER POULAKAKOS and
HARRY POULAKAKOS,**

Defendants.

13 Civ. 5184 (AJP)

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT,
CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS, APPOINTMENT
OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND APPROVAL OF
PLAINTIFFS' PROPOSED NOTICE OF SETTLEMENT AND CLASS ACTION
SETTLEMENT PROCEDURE**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settlement and Class Action Settlement Procedure ("Motion for Preliminary Approval") and in the Declaration of Brian S. Schaffer in Support of Plaintiffs' Motion for Preliminary Approval ("Schaffer Decl."), Plaintiffs respectfully request that the Court enter an Order:

(1) granting preliminary approval of the Settlement Agreement and Release ("Settlement Agreement"), attached as Exhibit A to the Schaffer Decl.;

(2) conditionally certifying the following settlement class under Fed. R. Civ. P. 23(a)

and (b)(3) for purposes of effectuating the settlement:

All Servers, Bartenders, Runners, Barbacks, Captains, Delivery Persons, and Bussers and similarly situated employees who work or have worked at Harry's between July 25, 2007 and December 31, 2013

- (3) appointing Fitapelli & Schaffer, LLP as class counsel;
- (4) approving Plaintiffs' Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing, attached as Exhibit B to the Schaffer Declaration, and directing its distribution;
- (5) approving Plaintiffs' proposed schedule for final settlement approval; and
- (6) granting such other, further, or different relief as the Court deems just and proper.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached as Exhibit C to the Schaffer Declaration, for the Court's convenience.

Dated: New York, New York
February 14, 2014

Respectfully submitted,

/s/ Brian S. Schaffer

Brian S. Schaffer

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